REMARKS

The Applicants have studied the non-final *Office Action* mailed May 16, 2006, and have made amendments to the claims. It is respectfully submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 11-12, 14, and 27-56 are pending in the application, claims 1-10, 13, and 15-26 having been canceled previously without prejudice. Claims 11-12, 14, and 27-56 have been rejected. Claims 11-12, 14, and 54-56 have been amended. No new matter has been added. The Office's rejections are addressed below in substantially the same order as presented in the non-final *Office Action* mailed May 16, 2006. The Applicants respectfully request reconsideration and allowance of the claims in view of the above amendments and the following remarks.

REJECTIONS UNDER 35 USC §103

Claims 11-12, 14, 27-32, 35, and 40-47 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,822,273 to Bary et al. ("the *Bary* patent") in view of U.S. Patent No. 3,990,036 to Savit ("the *Savit* '036 patent"). Claims 14, 36-39, and 48-49 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,226,601 to Longaker ("the *Longaker* patent") in view of the *Bary* patent and further in view of the *Savit* '036 patent. Claim 33 is rejected under 35 USC §103(a) as being unpatentable over the *Bary* patent in view of the *Savit* '036 patent and further in view of U.S. Patent No. 5,930,293 to Light et al. ("the *Light* patent"). Claim 34 is rejected under 35 USC §103(a) as being unpatentable over the *Bary* patent in view of the *Savit* '036 patent and further in view of the *Light* patent and even further in view of U.S. Patent No. 4,066,993 to Savit ("the *Savit* '993 patent"). Claim 50 is rejected under 35 USC §103(a) as being unpatentable over the *Bary* patent in view of the *Savit* '036 patent and further in view of the *Longaker* patent. Claims 51-52 and 54-56 are rejected under 35 USC §103(a) as being unpatentable over the *Bary* patent in view of the *Savit* '036 patent and further in view of U.S. Patent No. 6,240,094 to Schneider ("the *Schneider* patent"). Claim 53 is rejected under 35 USC §103(a) as being unpatentable over the *Bary* patent in view of the *Savit* '036 patent and further in view of U.S. Patent No. 5,696,903 to Mahany ("the *Mahany* patent"). These rejections are respectfully traversed.

With respect to the claims, the Office has admitted that the *Bary* patent "fails to specifically mention that each sensor selects a channel (frequency) assignment for transmitting the signals as claimed." The non-final *Office Action* mailed May 16, 2006, page 3. The Applicants respectfully agree.

Nevertheless, the Office has identified the multi-sensor, party-line, telemetry system **10**, comprising, *inter alia*, a line-driver **16** and a high-speed switch **20** connected to a transmission link **22** connected, in turn, to a plurality of seismic sensors **24**, **26**, **28**, where the "object" of the multi-sensor, party-line, telemetry system **10**, is "to ***fetch***, **upon *command* by the *recorder* 12**, a digital data-sample ***from*** each **seismic sensor [24, 26, 28,]** in turn," as described in the *Savit* '036 patent at **col. 2, lines 24-50** (emphasis added), for example, and as shown in **Figure 1**, as being relevant to the claims. The non-final *Office Action* mailed May 16, 2006, pages 3-4. However, the *Bary* patent, the *Savit* '036 patent, the *Longaker* patent, the *Light* patent, the *Savit* '993 patent, the *Schneider* patent, and the *Mahany* patent do not disclose, teach, or suggest that ***each* sensor *selects*** a **channel assignment *and*** a **time slot** for transmitting the signals **based** at least in part **on *monitoring* by *each* sensor of *available* channels**. However, claim 11, as amended, recites that "***each* sensor *selects*** a **channel assignment *and*** a **time slot** for transmitting the signals **based** at least in part **on *monitoring* by *each* sensor of *available* channels**" (emphasis added). Claims 12 and 14, as amended, have similar recitations. Claims 27-56 depend from claims 11, 12, and 14.

Further, it is respectfully submitted that it would not have been obvious to modify the *Bary* patent, the *Savit* '036 patent, the *Longaker* patent, the *Light* patent, the *Savit* '993 patent, the *Schneider* patent, and the *Mahany* patent cited by the Office. It is well-settled that a reference **must** provide **some motivation** or **reason** for one skilled in the art (working **without** the benefit of **hindsight reconstruction** using the Applicants' specification) to make the necessary changes in the disclosed device or method. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious **unless** the reference ***expressly*** or ***impliedly* teaches** or **suggests** the ***desirability*** of the modification. *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984); *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. App. 1985); *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. App. 1984). Indeed, the Federal Circuit stated:

> ... To draw on **hindsight knowledge** of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a **template** for its own **reconstruction**--an **illogical** and **inappropriate** process by which to determine patentability. *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). The invention must be viewed **not** after the **blueprint** has been **drawn by the inventor**, but as it would have been perceived in the state of the art that existed at the time the invention was made. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985).
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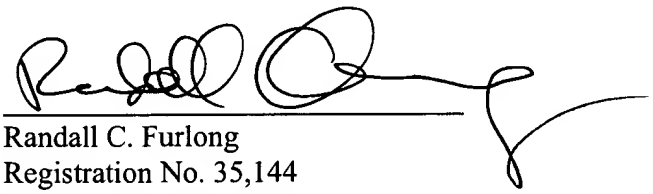
> *Sensonics Inc. v. Aerosonic Corp.*, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996) (emphasis added).

The *Bary* patent, the *Savit* '036 patent, the *Longaker* patent, the *Light* patent, the *Savit* '993 patent, the *Schneider* patent, and the *Mahany* patent fail to meet the basic requirement for a finding of obviousness established by the courts in *Sensonics*, *Gordon*, *Clapp*, and *Chicago Rawhide*. There is no **suggestion** in the *Bary* patent, the *Savit* '036 patent, the *Longaker* patent, the *Light* patent, the *Savit* '993 patent, the *Schneider* patent, and the *Mahany* patent of modifying the devices or methods disclosed therein in the direction of the present invention, nor is there any **suggestion** of the ***desirability*** of such modifications (*i.e.*, that ***each*** **sensor** ***selects*** **a channel assignment** ***and*** **a time slot** for transmitting the signals **based** at least in part **on** ***monitoring*** **by** ***each*** **sensor of** ***available*** **channels**). Thus, it is respectfully submitted that the ordinarily skilled artisan would have had no motivation to modify the references as suggested by the Office. Therefore, for all the above reasons, it is respectfully requested that the rejection of claims 11, 12, and 14, and claims 27-56 that depend therefrom, under 35 U.S.C. §103(a), be withdrawn.

CONCLUSION

For all the foregoing reasons, the Applicants submit that the application is in a condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 266-1130 x 123 to discuss the steps necessary for placing the application in condition for allowance. No additional fee, beyond the **$120.00** fee for the one-month extension of time petition mentioned above, is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **13-0010 (IO-1036-US)**.

Respectfully submitted,



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